



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Tanzillo et al.
Serial No.: 10/726,023
For: ENTERPRISE RISK ASSESSMENT MANAGER SYSTEM
Filed: December 2, 2003
Examiner: Nguyen, Nga B.
Art Unit: 3692
Confirmation No. : 2672
Customer No. : 27,623

Attorney Docket No.: 384.7854USU

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicants request review of the final rejections in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal. The review is requested for the reasons stated on the attached sheets. There are no other related appeals.

Reasons for Request for Review

Claims 1 through 24 are pending in the application. Claims 1 through 24 have been rejected.

The Office Action asserts that under 35 U.S.C. §102(b), claims 1 through 7, 11, 13 through 21, and 23 are anticipated by U.S. Patent No. 6,405,181 to Lent. See Final Office Action (mailed October 20, 2006) at page 3. However, Applicants respectfully submit that the Office has failed to establish a prima facie case of anticipation regarding each of the above-cited claims.

Lent fails to disclose or suggest elements claimed in independent claim 1, including: a user interface to receive requests and customer account information, see Amendment, mailed July 26, 2006 (Amendment) at pages 7-8; a risk assessment manager that provides application functions, services, and portfolio analysis based on the requests, see Amendment at page 8; and a corporate linkage component that provides information to a risk assessment manager, see Amendment at page 8.

Claims 2 through 4 depend from independent claim 1, and are patentable over Lent for at least the reasons given above regarding claim 1.

Lent also fails to disclose or suggest elements of independent claim 5. Lent discloses a system enabling a real-time credit decision to be made based on information received from credit bureaus. Lent does not disclose or suggest providing a data product containing a financial profile, as recited in claim 5. See Amendment at page 9. Claims 6 and 7 depend from independent claim 5. Lent fails to disclose the setup component recited in claim 6 and the configuration console component recited in claim 7. See Amendment at page 9.

Lent also fails to anticipate claims 11 through 14. Lent simply describes receiving a FICO score as one of the attributes of a credit report received from a credit bureau. Lent does not disclose or suggest that the FICO score is derived from an analysis performed by the system itself. See Amendment at page 10. Because Lent fails to disclose or suggest each element of claim 11, claim 11 is patentable over Lent.

Claims 13 and 14 depend from independent claim 11 and are patentable over Lent for at least the reasons given above regarding claim 11.

Claim 13 recites the method of claim 11 including providing days sales outstanding information for at least one customer in the portfolio. Lent does not disclose or suggest a method that includes providing daily sales outstanding information for a customer in a portfolio. See Amendment at pages 10-11. For this additional reason, Lent does not anticipate claim 13.

Claim 14 recites the method of claim 11 wherein the account profile includes a financial statement. Lent merely discloses an application data structure "including a set of credit report objects." Lent does not disclose or suggest an account profile including a financial statement. See Amendment at page 11. For this additional reason, claim 14 is patentable over Lent.

Lent also fails to anticipate claims 15 through 21 and 23. Lent does not disclose or suggest each element of claim 15. The credit decision disclosed in Lent is made without human intervention; it is not based on a policy or rule defined by the user, nor does it disclose a system that provides days sales outstanding information. See Amendment at page 11.

Claims 16 through 21, and 23 depend from independent claim 15 and are not anticipated by Lent for at least the reasons outlined above regarding claim 15.

Claim 17 recites the method of claim 15 wherein the risk information includes a total risk exposure within a corporate entity. Lent does not even mention corporate entities, let alone providing risk information including a total risk exposure within a corporate entity. See Amendment at page 12. For this additional reason, claim 17 is not anticipated by Lent.

The Office Action asserts that under 35 U.S.C. §103(a), claims 8 through 10 are unpatentable in view of Lent. See Final Office Action (mailed October 20, 2006) at page 9. Applicants respectfully submit that the Office has failed to establish a prima facie case of obviousness regarding each of the above-cited claims.

Lent does not render claims 8 through 10 obvious. To establish a prima facie case of obviousness, the prior art reference must teach or suggest all of the elements of the claim. The Office Action acknowledges that Lent does not disclose a country logic component as recited in claim 8, or a database access component as recited in claims 9 and 10. However, the Office Action indicates that "determining a base language and a base currency for [a] customer and retrieving country specific data from such a plurality of system[s] above are well known in the art." The Office has improperly relied on common knowledge in the art without citing a prior art reference. See Amendment at pages 12-13. Applicants respectfully submit that the Office has therefore failed to establish a prima facie case of obviousness with regard to claims 8 through 10.

The Office Action asserts that claims 12, 22, and 24 are unpatentable over Lent in view of U.S. Patent No. 6,847,942 to Land. See Final Office Action (mailed October 20, 2006) at page 9. Applicants respectfully submit that the Office has failed to establish a prima facie case of obviousness regarding each of the above-cited claims.

Claim 12 depends from independent claim 11. Lent and Land, either alone or in combination, fail to disclose or suggest each element of claim 12. Neither Lent

nor Land discloses providing a risk score for at least one customer in a portfolio based on a customer based analysis. See Amendment at page 13.

Claim 22 and 24 depend from independent claim 15. Lent fails to disclose or suggest each element of claims 22 and 24. For example, Lent fails to disclose or suggest a system that provides days sales outstanding information. See Amendment at pages 13-14.

Applicants respectfully submit that the rejections of record are clearly erroneous based on the legal and factual deficiencies outlined above. Applicants respectfully request withdrawal of the rejection and that this application be passed to allowance.

Respectfully submitted,

Date: January 22, 2007



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